LABOR LAW KNOCKED OUT.

PREVAILING RATE OF WAGES SEC-TION UNCONSTITUTIONAL.

Appellate Division of the Supreme Court Hands Down a Decision in a Test Case Will Stop for the Present, at Least, the Withholding of Payments to City Contractors Upon Complaint of Unions.

The Appellate Division of the Supreme Court handed down an important decision upon the Prevailing Rate of Wages law yesterday afternoon. The decision was rendered in the mandamus proceeding brought under the title of the People ex rel. William J. Rodgers vs. Bird S. Coler, as Comptroller of the city of New York. This is one of the test cases brought by Kellogg & Rose upon a retainer of the principal contractors of the city to determine the constitutionality of the so-called labor law.

Mr. Rodgers had a contract for regulating and grading 135th street from Amsterdam avenue to the Boulevard, calling for the performance of work amounting to about After he had been proceeding with the work and had received one or more payments therefor, representatives of a labor union filed a notice with the Comptroller that the contractor was not paying the prevailing rate of wages. Thereupon the Comptroller withheld a payment of about \$3,000 then due Mr. Rodgers for his alleged noncompliance with that law. The contractor made a motion for a peremptory writ of mandamus before Justice Leventritt, who denied it. From this order the contractor appealed to the Appellate Division.

The prevailing opinion of the court, rendered by Justice Ingraha holds that the law, so far as it permits the city authorities to refuse to pay for work after it has been performed upon the ground or charge that the contractor has not paid the prevailing rate, is unconstitutional and void. The opinion continues:

The contract also provided that it should be void and of no effect unless the plaintiff complies with the provisions of the Labor law and unless the wages specified in section 3 of the said Labor law are paid. These clauses were inserted in pursuance of the Labor law and are not for the benefit of the contractor. They 'purport to regulate the actions of the contractor in performing the work under the contract, and impose upon him in the performance of such work the obligation to pay his workmen what the conligation to pay his workmen what the contract calls the prevailing rate of wages, thus preventing him from making an agreement with his employees to labor upon the terms agreed upon between them. In the nature of things the contract could not be void abinitio. Pailure to pay current wages is a matter which could only be ascertained after work under the contract was in progress. There is no provision which makes the relator's compliance with the obligation above referred to a condition to his receiving the agreed compensation.

ut by force of the legislative enactment.

The effect of a construction of this act is asked for by counsel for the respondent ould lead to the result, that although a conactor had finished his work and such work as been accepted by the city, if it should absequently appear that the contractor had all to one particular employee less than as subsequently ascertained to have been be prevailing rate of wages, then his whole ght to receive from the city the amount it was agreed should be paid is swept, way by force of this provision of the statute, cannot believe that such was the intention way by force of this provision of the statute cannot believe that such was the intention the Legislature; and I do believe that it was intended it was in violation of the abstitution and vold. This opinion was concurred in by Justices aterson and Hatch Chief Justice Van Brunt and Justice O'Brien, the constitutionality.

without passing upon the constitutionality of the law, wrote and concurred in a dissenting opinion upon the question as to whether the proper remedy was by a mandonus or by action. I. Laffin Keeling of Kellogg & Rose said of the decision last

Kellogg & Rose said of the decision last evening:

"This is the most sweeping decision upon this question that has as yet been rendered by any court. It will put an end, as long as it stands, to the action of the Comptroller under the Labor law, whereby upon the slightest notice from the walking delegate of any labor union he has been obliged, and has withheld payment from the contractors during the past six or eight months. Thousan is and hundreds of thousands of dollars justly earned under contracts have been withheld from the contractors and many proceedings are now pending to enforce their payment."

Another branch of the labor law, namely,

all these proceedings the city has compresented by Assistant Corporation County. Theodore Connolly, Justice O'Brien in the dissenting opinion we "It is rather a startling doctrine that public officer can be compelled by manamus to ignore or expressly overrule the rovisions of a statute." The opinion states hat it is by no means clear that the Comproller erred in his action, and that instead of the court issuing the mandamus, Rodgers should be left to an action to recover the noney alleged to be due, where all the issues could be thoroughly considered.

The Eccentric Association of Engineers reported vesterday that it is having affidavits prepared in reference to the Prevailing Rute of sages law, which it will submit to the Comptroller in a few days. The affidavits will show, it is afleged, that \$3.50 a day for eight hours is the prevailing rate in the Dock, Bridge and Park departments, and the union will ask that \$3.50 a day be recognized as the prevailing rate in all the departments.

NO WARSHIP FOR NEW BEBRIDES. sionaries From Cannibals.

WASHINGTON, Pec. 14. - The President brought to the attention of the Cabinet to-day the appeal made to him yesterday by a member of the Board of Foreigh Missions of the Presbyterian Church, for a warship to protect missionation and other foreigners in New Hebrides from cannibals. Secretary hone soil that he did not have any warship available for the purpose, as all in the Philippines and in china were needed there. The Learest American naval station to New Hebrides is Pagospago, Samoa, but the only much resket there is a collier. It was the opinion of the calenet that nothing could be done by the Government at this time, but the lone was extressed that Occat bailing of France would see its way clear to grant Mr. Hill's request.

Mr. Hill appealed also to the President to adopt measures to suppress the linger treffic in New Hebrides. This subject was dismissed by the Cabinet, and it was decided that no action would be taken until Congress acted favorably on a bill introduced by Representative Gillet of New York to carry into effect the measures advocated by Mr. Hill of the Presbyterion Church, for a warship

are made at the Farm in outhborn, Mass. The success is owing to the hice materials and the heatness and cleanliness of the preparation.—Adv.

INSANE WARD DEATH LOOKS QUEEK HE EMBEZZLED \$34,600. Patient May Have Been Smothered - Autopsy Shows Three Broken Ribs.

Louis H. Hilliard died in the insane pavilion at Believue on Monday night. A death certificate made out by Dr. Moore, who has charge of the insane ward, was sent with his body to the Morgue. It was indorsed Patient became violent on Wednesday night at 5 P. M. and fought until completely exhausted. He fell to the floor, falling on back of shoulders, and arose again and fell unconscious. Was carried to bed and died it a few minutes."

Coroner's Physician Donlin made an autopsy on the body yesterday. Afterward he announced that three of the man's ribs had been fractured and there were a number of bruises on his head, shoulders and neck. There were also evidences of strangulation, Dr. Donlin said, which made it appear that the man might have been smothered to death. After making these discoveries Dr. Ponlin telephoned news of them from the Morgue to Supt. O'dourke in his private office at Beile-

"Something should be done about this." said the doctor. "The death certificate doesn't give any reason for the fractured ribs or show there should be evidence that the man may have been strangled. I would suggest that you come down here and see

me and we'll talk it over." Dr. Donlin waited for some time, but Supt. O'Rourke remained in his office. Finally the doctor went away, saying that he was going to turn the whole case over to the Coroners' 'office and have an investigation made. The doctor referred to other complaints about patients having been ill-treated in the insane ward.

Hilliard, who lived at 374 Seventh avenue was taken to Bellevue on Tuesday by Dr. Rosensohn of Gouverneur Hospital. He was picked up in the street by Policeman Eaton of the Old Slip station. Dr. Rosensohn said last night that he was positive that the man didn't have any fractured ribs when he took him to the hospital.

Dr. Moore was out of town last night and could not be seen. None of the other doctors in the insane ward would talk in his absence.

WRECK OF THE STUDIOS. Damage to Statues of Sculptor Partridge

Wont Be Known for Some Time. The damage which was done at the studios of William Ordway Partridge and G. Moretti at 150 and 152 West Thirty-eighth street on Thursday evening by the falling of the rear wall could not be even approximately de-

termined yesterday. Most of the harm was

Mr. Moretti losing only some tools and other articles of small value. No estimate of Mr. Partridge's loss can be

intor's compliance with the obligation above referred to a condition to his receiving the agreed compensation.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and of neeffect.

The contract provided that a failure to comply with these covenants is to make the contract void and provided that a violation of the Legislature makes provisions in the contract, no action would have been necessary or proper to avoid the contract, and where the Legislature makes provision whereby a citizen can bring an action to avoid the contract, in force and which had not be tearned to the proper offers of the city have certified that he has performed the work and that he late the proper offers of the city was property which he legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the Legislature had not power to appropriate seems to me to be clear, and the made until the repairs are complete.

Mr. Partridge a workshop for the large groups and equestrian statues on which hy has been engaged recently. His main studio is at 289 Fourth avenue.

WILL CLEAR SEWARD PARK.

Park Commissioner Clausen's Plan of Break. ing Up Police Blackmail.

Four stalwart laborers from the Park Department will go down into William H. Seward Park in East Broadway this morning and without unnecessary ceremony will eject from the place all pedlers or others displaying goods for sale. From 8 o clock morning until such time as the Park Commissioners see fit to change conditions, the William H. Seward Park will be used for a playground and nothing else. This is the ultimatum of President George C. Clausen of the Park Department, and there was a look in Mr. Clausen's eye when he told about it yesterday that indicated he meant

was a look in Mr. Clausen seys when he could about it yesterday that indicated he meant every word he said.

It is evident that Mr. Clausen and the police are not on the best of terms. It is not customary for Tammany officeholders, to come out with accusations against the Police Department, and Mr. Clausen's frankness has rather startled some folks. Instead of retreating yesterday, however, Mr. Clausen was even more emphatic in his statements, and seemed more determined than ever to bring to an end what he terms the pohe blackmail that has flourished around Seward Park. To a SUN reporter Mr. Clausen said yesterday:

"There is little for me to add to what I said yesterday, but I will say that while I am sorry for the poor who will he forced out of business by the orders which I have given for to-morrow, I am determined to break up this blackmail and to break it up for good and all. I believe that the quickest way to accomplish this is to remove the opportunity for blackmail, and so every pedier will have to go. There will be no favored ones and no privileges. All will be treated alike. The Park Department cannot be held responsible for the condition that grew up in this park, for ever since consolidation, it has had no control over the policing of the parks. There has been no way for us to know that the city police were blackmailing these pediers, for we have had nothing to say about the police arrangements. As soon as I did hear the truth I acted, and to-morrow will see an end of this disgraceful condition of affairs.

"I realize the necessity in a district, congested as is the neleghborhood of this park, of a place for the sale of thlugs that the people need, and no one is more willing than I am that a park like Seward Park should be used as it has been used for that purpose. But it cannot be done with blackmail with my consert. My plan now is to remove the opportunities for blackmail is attempted."

The pediers around the park were all willing to talk yesterday. They said that pushcut men had to ray ten ents

SOLDIERS AND SAILORS' MEMORIAL.

California Excursions In through tourist cars every day in the year. Two fast trains from Chicago via Chicago and Northwestern, Urfon, and Southern Pacific Railwaya. Information at Northwestern Line Office, 461 Broadway.

—Ado.

TREASURER WILSON'S THEFT RUINS ORDER OF CHOSEN PRIENDS.

Confessed His Crime on His Deathbed in Newark on Oct. 81 -Claims Growing Out of the Galveston Disaster Started the Trouble -Situation Just Made Known

The Attorney-General of Indiana filed suit yesterday morning in Indianapolis for the appointment of a receiver for the Order of Chosen Friends, a fraternal insurance association which was incorporated in that State twenty-two years ago and which has its national headquarters there. The Attorney-General's application was granted and Cyrus J. Clark was made receiver.

The Supreme Councillor of the organization is Howard H. Morse, a lawyer, of 10 Wall street, this city. Its Supreme Treasurer was William B. Wilson who died in Newark on Oct. 31, after stealing \$34,600 of the funds of

The fact of Wilson's defalcation was not made public until yesterday when the news ame from Indiana about the action of the Attorney-General of that State. His shortage was known to the officers of the order, however, five days before his death when he onfessed that he bad used the money to invest in mining scocks. Supreme Councillor Morse admitted yesterday that the Order of Chosen Friends was practically wiped out already and that the 22,000 members would not get a cent for all they had paid in. "Why," said Mr. Morse, "they wont find enough assets to pay the receivership fees," and then he explained how the organization had been

to pay the receivership fees," and then he explained how the organization had been ruined.

The primary cause of the failure, he said, was in the stupidity of the founder of the order in promising too much for too little. The immediate causes of the failure, he added, were the steelings of the late Supreme Treasurer William B. Wilson and the demands for death benefits amounting to \$60,000 resulting from the Galveston flood. This loss of about \$100,000 in a lump was too much for the order in spite of the fact that it had 22,000 members and had been doing business twenty-two years. There was no surplus.

Soon after learning the full extent of Wilson's defsication Supreme Councillor Morse tried to stave off the crash by frightening all the old members into getting new ones to join so as to increase the funds and create a reserve. He sent an appeal to each of the 22,000 members, both men and women, two weeks ago in which he said: "The average age of members is too high. The annual death rate because of age is excessive. The monthly revenue is insufficient. This must be remedied at once."

The actual assets of the order to-day are \$34,000. This sum includes \$30,000 in bonds of the Fidelity Deposit Company of Marvland that furnished surety for the defaulting Treasurer. This month's dues would amount to \$45,000 more but Mr. Morse does not expect that any of them will be paid in now because of the legal proceedings against the order. The liabilities which consist principally of death, disability and old age claims are about \$500,000.

done on Mr. Partridge's side of the building.

the key to his safe. Before Reisner could reply one of the pair knocked him on the head with the piece of pipe and he fell to the know what happened after that. An hour after the assault Annie McInerny, who lives over his store, going through the lower hall saw a little pool of blood that had come under the door from Reisner's living room, and she and her sister found the jeweller inside still unconscious, with his hands and feet bound with rope. The man's trousers pockets were turned inside out and his keys were missing and the store and safe were looted. The plunder the thieves got was worth about \$500.

Reisner was sent to Bellevue Hospital.

is morning until such time as the rk Commissioners see fit to change contions, the William H. Seward Park will be ed for a playground and nothing else, is is the ultimatum of President George Clausen of the Park Department, and there is a look in Mr. Clausen's eye when he told bout it yesterday that indicated he meant erv word he said. It is evident that Mr. Clausen and the police in not on the best of terms. It is not cusmary for Tammany officeholders to come are vesterday, however, Mr. Clausen and the police it with accusations against the Police Deartment, and Mr. Clausen's frankness has ther startled some folks. Instead of reating vesterday, however, Mr. Clausen as even more evolution in his statements, and seemed more determined than ever to ring to an end what he terms the pohice ark. To a Sun reporter Mr. Clausen said sesterday; little for me to add to what I in yesterday, but I will say that while I in sorry for the poor who will be forced out of business by the orders which I have given or to-morrow. I am determined to break it up for good and all. I believe that the quickest way to acomplish this is to remove the opportunity or blackmail, and so every pedler will have on go. There will be no favored ones and

was a smell like ch ward in the hallway.

WILL WARBLE TO A FINISH. A Novel Match Between Rival Canary Birds

of Paterson, N. J. PATERSON, N. J., Dec. 14 .- A contest rare in sporting annals will be decided to-morrow evening at the house of Mr. Richard Cudden. 18 Van Houten street. Mr. Cudden, who is a bird fancier, has pitted one of his canaries to sing against any English canary which Thomas Marsden, another bird fancier living

to see East Thirty—"ighth street, can produce. Each has picked cut his bird, both one-year pirds and great sagers.

Mr. Cudden says: "You see strange canaries are jealous of each other. Put them in the same cage and they fight like wildcats, the same cage and they fight like wildcats, in the same cage and they fight like wildcats. n the same cage and they fight like wildcats, but put them in the same room in separate tages and as soon as they see each other hey will commence singing as loud as they an and keep it up until one or the other secomes exhausted. The singing contest may lest an hour or an hour and a haif, but until to as well as endurance will be taken nto consideration in this contest. My bird a Patersonian and I am quite sure it can seat the Englishman."

DIVORCE FOR MRS. HARRY GILLIG. She Is a Daughter of the Late Charles

Justice Lawrence of the Supreme Court granted a decree of absolute divorce yesterday to Amy C. Gillig from Harry M. Gillig. The Gilligs have not lived together for a long time. Mr. Gillig is a prominent yachts-The Cornerstone Will Be Laid To-day by
Gov. Roosevelt.

The cornerstone of the soldiers and sailors' monument on Riverside Drive will be
laid this afternoon under the auspices of the
Memorial Committee of the G. A. R. posts of
this city. The oration will be delivered by
Col. Albert D. Shaw, Pest Commander-inChief of the Grand Army of the Republic.
The laying of the stone will be done by Gov.
Roosevelt.

California Excursions

long time. Mr. Gillig is a prominent yachtsman and was at one time commodore of the
Laving roth Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the late Charles Crocker of San Francisco.
There was one child which was given into the
custody of Mr. Ashe. Mrs. Gillig is an enthe California turfman and lawyer. She obtained
a divorce from him about ten years ago.
There was one child which was given into the
custody of Mr. Ashe. Mrs. Gillig is an enthe California turfman and lawyer. She obtained
a divorce from him about ten years ago.
There was one child which was given into the
custody of Mr. Ashe. Mrs. Gillig is an enthe California turfman and lawyer. She obtained
a divorce from him about ten years ago.
There was one child which was given into the
custody of Mr. Ashe. Mrs. Gillig is a prominent yachtsman and was at one time commodore of the
Calumet Chib. He is also a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the law York Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the law York Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the law York Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the law York Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the daughter
of the law York Yacht and Manhattan
clubs. Until recently he was a member of
the Calumet Chib. Mrs. Gillig is the da

Electricity in Railroading. It is the active agent by which the Pennsylvania Railroad controls and protects its admirable train ervice.—Adv.

SHOT IN A WOMAN'S FLAT. By the Hostess, It Seems, Though She Didn't Hear the Report.

A man whose name may be either fforn or Kord was shot in the abdomen last night in a flat occupied by Sadie Dean at 600 Tenth avenue. The Dean woman had the revolver in her hands when the man was shot and she admitted that she must have shot him, accidentally, she said, but she declared that she did not hear the report of the revolver and did not know that anything had happened until her caller remarked that he was hit.

Mrs. Dean said she was an actress. Julia Lang and Mary Lee were also in the room at the same time as Sadie Dean's guests. did not hear the report of the revolver eitherthey were all so busy talking-but they remember distinctly that their hostess had had it in her hands some time in the course of the

When Mr. Horn or Kord first stood up and interrupted the conversation by saying that he was shot they were as thoroughly surprised as Mrs. Dean had been. They thought he must be fooling, they said, but then there was the real blood.

While they were wondering how it could have happened William Johnson, who lives in the next flat and who had heard the shot, came in and assured them all that the gentleman caller had a bullet in his stomach. Johnson went after the police and an ambulance. The injured man was taken to Roosevelt Hospital. He said that he was Joseph Morn. The woman who admitted that she must have shot him said that his name was Joseph

Kord The three women were arrested and Johnson, who had summoned the policeman, was held as a witness. Detective Dale of the West Forty-seventh street station who made the arrests found the Dean woman's flat furnished with three chairs, a kerosene lamp, some herring bones, 150 empty whiskey bottles, forty-eight empty beer bottles and a box of cigarettes.

HYPNOTIZED FOR AN OPERATION. Mrs. Stewart Was Forty-two Minutes on the Surgeon's Table -Felt No Pain.

CHICAGO, Dec. 14 .- For forty-two minutes Mrs. M. F. Stewart lay in a hypnotic state yesterday on the operating table in a hospital in Ewing place, and without experiencing a pain was conscious that an operation was being performed upon her. She was placed on the table at 3:15 o'clock, and within three minutes she was in a hypnotic state. Her pulse ran from 72 up to 114, and her temperature was raised and lowered. Insensible to pain she showed her sensibility to heat and cold. The moment she felt the hot water touch her body she complained that it was too hot. Such proved to be the case.

After the operation Mrs. Stewart tried to describe her feelings. She said she felt the hypnotic influence come over her and the fear that she would suffer pass away. As she saw a peculiar sensation, not unlike a tickling feeling. What seemed most strange to her was the sewing with the peculiarly shaped needle. She felt it pierce her flesh and the stitches being made, but could not understand why that had to be. She tried to reason it out, but could not keep her mind on it long enough to come to any conclusion.

Among the physicians who attended the operation was Dr. J. Gartenstein of Philadelphia. The operation was performed by abdominal one.

RIG FIFTH AVENUE PLOT SOLD. Hotel May Be Erected Across From the W. H. Vanderbilt Houses.

ith avenue and Fifty-second street, which has been in the market for nearly a year, was sold yesterday by the in view of the absolute necessity for the Barney-Sheldon syndicate, which refused prompt delivery of guns the Government floor unconscious. The jeweller doesn't to give out either the name of the buyer or know what happened after that. An hour the price he paid. It has been said that the price he paid. It has been said that placed abroad when the public interest rea hotel would be built on the site, which is quired such action. 125 feet on Fifth avenue and 100 feet on Fifty-second street. The Union Club is to build on the northeast corner of Fifth avenue and Fifty-first street. Both are parts of the old Roman Catholic Orphan Asylum property, the plot sold yesterday comprising the other

the plot sold yestermy competed for sale last corner.

This property was offered for sale last spring at auction by the Barney-Sheldon syndicate through Bryan L. Kennelly & Co., and it was announced at the time that the sale would positively take place. When the property was offered by the auctioneer, however, it appeared that an upset figure of \$455,000 had been set by the syndicate. As no bid at that figure was made, the property was withdrawn. erty was withdrawn.

TO BEG M'KINLEY TO SPARE HIS SON. Farmer to Plead for the Life of His Soldier Boy Condemned to Death.

NEW HAVEN, Conn., Dec. 14 .- J. P. Skinner, 71 years old, of Southington, Conn., to-day started to Washington to beg of President McKinley to spare the life of his son, Lynn Skinner, a private in the Forty-third Volunteers, now stationed in the Philippines. Young skinner has been sentenced to be shot on Christmas morning for intexication and neglect of duty. He fell asleep while on neglect of duty. He fell asleep while on picket duty and as a result the bolomen got a chance to sur, rise the American forces. The aged father, who is one of the leading farmers of Southington, is almost crazed by grief over the news which he received this morning. The message came from Gen. MacArthur, saying there was no hope for young Skinner. The young man enlisted at the outbreak of the Spanish war and has been in the army ever since.

HAWAIIAN CHINESE NOT CITIZENS. Treasury Ruling on the Enabling Act Causes

a Stir in Honolulu. HONOLULU, Dec. 8, via San Francisco, Dec. 14.-A sensation has been created here by the United States Treasury ruling that naturalized Chinese citizens of the Hawaiian republic do not by virtue of the enabling act republic do not by virtue of the enabling act acquire the rights of citizenship of the United States. The enabling act provides that all who were citizens of Hawaii on Aug 12, 1898, are declared citizens of the United States Many Chinese voted at the last election, and all who were citizens under the republic assumed that they were entitled to all rights of American citizens. This ruling prevents the Chinese from visiting California.

FAVERSHAM HAS A RELAPSE. The Actor's Condition Serious Yesterday

-A Consultation of Physicians. William Faversham, the actor, who was operated upon three weeks ago for appendicitis and who has been seriously ill at his citis and who has been seriously in at his home. 260 West Fifty-second street, ever since, is not vet out of danger. His condition became so critical vesterday that Dr. J. A. Burke, the attending physician called Dr. Charles Phelps, who performed the operation, and Dr. Edward J. Janeway to a consultation at the sick man's home. Dr. Burke said last night that Faversham had raulied since then.

Senator Platt in Town.

Senator Platt came over from Washington yesterday and will be in town until Sunday afternoon. He had nothing to say last night for publication on any of the matters which are now interesting the politicians and others.

The Christmas Number of "The New York Herald" will be a newspaper par excellence. Out to-morrow, Sunday. Four exquisite art sections, containing forty beautiful pages in color and half-tone. Order is without delay.—Ada.

FRISCO NOT MUCH HURT

CUT OFF FROM THE EAST FOR HOURS BY A SEVERE STORM.

Lightning Strikes in Many Places, but Does No Great Damage -Church and Gas House Destroyed -Hall and Snow and High Winds all Along the Pacific Coast.

BAN FRANCISCO, Dec. 14 .- The unpreceented spectacle of lightning striking objects in the city was presented to-day when a southwest gale roared over San Francisco for an hour, attended by heavy thunder and brilliant lightning. The lightning excited as much interest as snow would have done, and it is even rarer in 'Frisco. Heretofore the only phenomenon of this kind has been harmless sheet lightning.

A high wind began blowing last night and it was accompanied by rain, hail and snow, according to locality. There was a heavy fall of hail in Sacramento, and in the Sierras snow fell. The wind blew at the rate of sixty miles an hour. The storm was most severe in the northern and central portions of the State. The storm did great damage to telephone and telegraph wires, and lines were so badly injured near Oakland that there has been no communication with the East by wire all day. Reports from the interior show that heavy rain has fallen in many places. It will do much good, as the long spell of day, cold weather has been bad for crops.

No lives were lost in San Francisco, although a party of school children had a narrow escape from being killed. They were passengers on an electric street car which was struck by lightning as it was running on one of the city's streets during the storm. The motor of the car was burned out, but all of the children escaped without injury. The big gas receiver at Harbor View was

struck by lightning and exploded, but no one was near enough to be injured by the flying débris. Several houses were blown down in the suburbs, and St. Matthew's Episcopal Church in Berkeley street was demolished. The storm was so severe on the bay that the ferryboats were stopped.

The storm is the worst of its kind known for years. The damage to property will be heavy.

The storm raged all the morning until noon. At one time the downpour of rain was so heavy that many thought it was a cloudburst. On the Oakland side of the bay over one hundred telegraph poles were blown down, destroying all communication until repairs were made. Men were at once placed at work and late this evening San Francisco was again, partially at least, in touch with the business and commercial world

On the bay, many boats were carsized, but so far as reported there has been no loss of life. No marine disaster of any magnithe knife cut into her flesh she said there was | mide has occurred, so far as can be learned. although the storm swept the coast and mountain region.

BRITISH FIRMS SLOW. Complaint in House of Commons Over Delay in Filling Contracts for Guns.

Special Cable Despatch to THE SUN LONDON, Dec. 14 .- In the House of Commons to-day Mr. William St. John Brodrick, Secretary of State for War, said that early men who over ted in Market street Dr. H. L. Mahin. The operation was an in the present year orders of equal value for field guns had been given to one German and two British firms. The German firm had delivered the entire order, while one of the British firms had only fulfilled one-third of the order and the other had delivered nothing. The Government, he said, had every wish The large plot of land on the southeast to give priority to the British firms and had encouraged the British gunmakers by prom-

IN PERIL OF DEATH.

Rescue of an Unconscious Man Discovered

on an Elevated Railroad Track. Shortly before 12 o'clock last night the flagman of the Fifth avenue elevated railroad in Brooklyn, stationed at Myrtle avenue and Adams street, discovered the body of a well-dressed man lying unconscious on the down track in front of the City Hall station in Adams street. The body was lying diagonally across the track and close to the third rail, which is charged with electricity. third rail, which is charged with electricity. Before the flagman could get assistance to remove the body a Bay fidge train came into view and he signalled the motorman to pull up his train just in time to prevent him from running over the man on the track.

Train hands assisted the flagman to lift the unconscious man to the station platform and the conductor sent for the police. Later the police at the Adams street station, which is directly under the elevated station, said they knew nothing of the case. The ticket seller at the City Hall elevated road station said he didn't know what became of the man. said he didn't know what became of the man He was about 35 years old and was wel dressed.

DIVORCE MILL LAWYER GUILTY. Henry Zeimer Convicted Yesterday of Subor

nation of Perjury. Henry Zeimer, attorney in the bogus divorce mill recently brought to light, was convicted of subornation of rerjury in the Court of General Sessions yesterday. Zeimer had been on trial for several days before Recorder Goff on the indictment charging him with suborning witnesses to testify falsely in the divorce suit of Herrick against Herrick The witnesses on whose evidence Zeimer was convicted were Miss Mary Thompkins, who confessed that she had been employed in the begus divorce mill as a professional corespondent, and James Holden, alias Frank Wilson, an ex-convict, who testified in several divorce suits that he was the corespondent in the case whether or not he had ever before seen the parties to the suit. Recorder Goff remanded Zeimer for sentence until next Wednesday. Court of General Sessions yesterday. Zeimer

Postmaster of Lancaster, Pa., Kills Himself, LANCASTER, Pa., Dec. 14.-Major A. C. Reioehl, postmaster of this city, was found dead in his law office here this morning. He comin his law office here this morning. He com-mitted suicide by turning on the gas. The suicide was prompted by financial embarrass-ments, unfortunate investments having swept away trust funds in his possession. He served three terms in the Legislature and was subsequently Deputy Secretary of the Commonwealth. He was appointed post-master last February.

James Swann's Educational Gift ATLANTA, Ga., Dec. 14.—James Swann of New York, President of the Atlanta National Bank, has donated \$20,000 to the Georgia School of Technology. Mr. Swann is in New York at present. The gift was first mentioned in Atlanta yesterday, when Sen-ator Clark Howell, speaking on the floor of the Senate for the Technology appropriation bill, announced Mr. Swann's donation.

GEORGETOWN, Col., Dec. 14.-Mrs. Hannah P. Tweed of New York to-day purchased the Griffith mine from Hood C. Maxwell for \$500,000. The Griffith is in Clear Creek county and has been worked with profit for nearly thirty years. It is a producer of gold and galena ores.

"Always All Write." The write thing in the right place is a Waterman Ideal Fountain Pen among your boliday selections. All dealers, or L. E. Waterman Co., 157 Broadway.

Nothing Just Like It, There is but one Pennsylvania Limited. It leaves New York for Chicago every day in the year, —Ada. VANDERBILT INTERESTS WIN.

The Big Power Canal From Ningara River to Lockport Will Be Comstructed.

LOCKPORT, N. Y., Dec. 14. - The Vanderbill interests have won and the big power canal from Niagara River to this city, which will ost at least \$6,000,000, will be built. The special committee of eldermen which has had under consideration the propositions of the rival companies, the Niagara, Lockport and Ontario Company, and the Lockport and Newfane Power Company, met at the Hotel Stevens this afternoon and conferred with J. W. Ledoux, an expert engineer from Philadelphia, and Attorney King and S. Q. Mengle representing the first named company, behind which is Vanderbilt capital. As a result of this conference the committee will report to the Common Council in favor of the Vanderbilt proposition. The Common Council will adopt the recommendation, but not until after the public hearing to-night

The Vanderbilt proposition includes, besides the power canal, the construction of a conduit and pumping stations to supply this city with water from Lake Ontario, which is twelve miles distant. This triumph of the Vanderbilt company has been achieved in the face of strenuous opposition on the part of Senator Elisworth and the Hon. W Caryl Ely, President of the International Traction Company, who owns most of the trolley roads in western New York and is backed by almost unlimited capital. Both Senator Ellsworth and Mr. Ely are also interested in the Lockport and Newfane Power Company, which has a big power plant in course of construction on Eighteen-Mile Creek, near this city.

CHEST EXPANSIONIST'S DESPAIR. Lack of Appreciation Drives Him to Lauda-

num -Snake Charmer Saves Him. James Wilson, champion chest expansionist, grew weary of breaking chains on his bosom last night, and after doing his last turn at a dime museum on East Fourteenth street went upstairs to his dressing room and drank laudanum. Then he confided in the snake charmer, who threw him downstairs just to keep him thoroughly aroused until she could

call a doctor. The snake charmer got a cop to do that for her. The policeman-Klein his name wassent for an ambulance, and the chain breaker was taken to Bellevue He wont die.

General despondency every evening at 11 o'clock as the result of lack of appreciation, the snake charmer thought, was the cause of the chest expansionist's getting his name in the paper this way.

CRAIG A. MARSH HURT. Thrown From His Bicycle by a Horse Driven by Theodore Roantree.

PLAINFIELD, N. J., Dec. 14.-Corporation Counsel Craig A. Marsh of West Eighth street had a narrow escape from being killed this evening shortly after 6 o'clock, while going evening shortly after 6 o'clock, while going to his home from his office on his wheel. He was riding through Park avenue, and when he reached the corner of Sixth street he was run into by Theodore Roantree of Newmarket, who was driving in the opposite direction.

Mr. Marsh was thrown from his wheel by the horse, and he sustained a sever cut in the forehead over one of his eyes. Friends assisted him to Dr. Endicott's office, nearby, where the physician took eight stitches to close up the wound. Mr. Marsh also suffered a severe nervous shock, but it is believed that he will recover.

SKUNKS AS DOMESTIC PETS. A Raiser Says There Is a Demand for Them

by Ladies in the Large Cities. GENEVA, N. Y., Dec. 14.-August Isdell of Lodi, who has a famous skunk farm, was in town yesterday. He has 500 skunks on the farm, and is having success in taming and household nets.

"It is claimed by lovers of pets," said Mr. "It is claimed by lovers of pets," said Mr. Isdell, "that when the skunk is properly trained and domesticated it is one of the smartest and best-natured of all house pets. I cannot say that I have experimented to my satisfaction in this direction. The favorite color seems to be black. I have a considerable demand for skunks of this color from the larger cities, where dealers in pets sell them to ladies for a neat sum."

HIS DEATH TIED UP TOWN BUSINESS. | and stipulations shall apply to measures Tax Collector Died Suddenty -No One Else

Could Open Town Hall Safe. PORT CHESTER, Dec. 14.-Thomas' Jordan, Receiver of Taxes for the town of Rye, died | provisions of the treaty. suddenly after returning home from a lodge meeting early this morning. Apoplexy, it is believed, was the cause of death. He is the third Receiver of Taxes of the town of Rye who has died suddenly of apoplexy. To-day the business of the town was suspended because Mr. Jordan was the only man but one who knew the combination of the big safe in the Town Hall; the other man was out of town. Mr. Jordan was 40 years old and leaves ten children. His eldest child is a girl 16 years old.

FINGER MORRISON SENTENCED. One of Mrs. Ballington Booth's Prison

Friends Turns Burgiar Again. Frank Morrison, well known to the police of several cities as "Finger" Morrison, an old-time burglar, was sentenced to three pears in the Trenton State Prison yesterday in Jersey City, for breaking into a drug store at 250 Washington street in Jersey City. He was an inmate of Mrs. Ballington Booth Home for Reformed Criminals in Flushing

for a time. Minor Office Contest in Kentucky Settled. FRANKFORT, Ky., Dec. 14.-The Court of Appeals to-day overruled a motion for a rehearing in the contest cases of the minor State offices-Auditor, Treasurer, &c -decided sevoffices—Auditor, Treasurer, &c.—decided several months ago in favor of the Democratic officers, thus setting at rest the long littation occasioned by the contest. The State Board of Election Commissioners rendered a decision holding that the Democratic officers elected at the November election at the time of the Goebel-Taylor election were legally elected officers. The Court of Appeals held that the board had jurisdiction.

Divorced After Forty-six Years of Marriage NEW HAVEN, Conn., Dec. 14.-Mrs. Milo Senate.

Tuttle, who was married forty-six years ago last June, this afternoon secured a divorce from her husband on the ground of desertion. Mr. and Mrs. Tuttle lived together happily for forty-three years. Mr. Tuttle was for years one of the weaithlest carriage builders of the city. He and his wife were prominent socially. Three years ago Mr. Tuttle failed in business. He soon left New Haven and left his wife here without a dollar

Marriage Forbidden, That's Why He's Crazy. Charles F. Goepel, Jr., was committed to Bellevue yesterday by Magistrate Hogan in the Yor kville police court for examination as to his sanity. His father, Charles F. Goe-nel, Sr., a dealer in piano makers' supplies at 151 East Thirteenth street, was the com-plainant. In court young Goe; el raved about a girl and said that if he was mentally de-ranged it was because he was not allowed

to marry her. Blackwell's Island Greenhouse Abla ze.

The big greenhouse on Blackwell's Island, n which all the flowers and plants from the institution grounds had been placed for the whiter, was partly destroyed by fire last night. Hundreds of panes of glass were smashed and much of the framework was burned. The fire was put out by the engine company on the Island, but engine companies here were ready to help.

"Because we like beautiful scenery, prosperous cities and growing towns, and when the train stops we have arrived somewhere. That is why we travel by the New York Central."—Commercial Traveller.—Adv. Why So Many Travel This Way:

CHANGES IN CANAL TREATY

ITS FRIENDS AGREE TO TWO IMPOR-

TANT AMENDMENTS. One Declares That the Pending Treaty "Supersedes" the Clayton-Bulwer

Treaty, and the Other Strikes Out Article III., Which Invites Other Powers to "Adhere to It" -The Amendments Agreed To After a Conference of Repub-Hean Leaders and Consultation With the President - Secretary Hay May Resign if the Treaty as Amended Is Ratified -Debate in Executive Bession.

WASHINGTON, Dec. 14.—At a meeting of the Foreign Relations Committee this morning, ollowing a conference of Republican leaders of the Senate, the details of the programme of procedure with regard to the pending Hay-Pauncefote canal treaty were formally agreed upon and later presented to the Senate. As stated in despatches to THE SUN last night, this programme provides for adding to the treaty two amendments in addition to that known as the Davis amendment, adopted by the Senate yesterday. The first amendment is a specific declaration to be made in Article II., that the pending treaty "supersedes" the Clayton-Bulwer conven-As drawn by Senator Foraker, its author, the word "terminates" was used instead of "supersedes," which the committee thought it more advisable to use. The other amendment agreed upon was also presented to the Senate by Senator Foraker. It provides for eliminating from the treaty Article III., which reads as follows:

"The high contracting parties will, imnediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them o adhere to it."

The advocates of the treaty are now as confident that it will be ratified after these amendments are adopted as they were last week that it would be ratified without any change whatever, except possibly the inclusion of the Davis amendment. Before the conference and the committee meetings were held Senators Aldrich, Foraker, Lodge and others consulted President McKinley and received the assurance that if the treaty should be amended and ratified, he would submit it again to the British Government for its approval. The Senators told the President that there was no doubt whatever that the two amendments would be acceptable to the Senate, and when they were reported later in the day by Senator Lodge he expressed the belief that it would not be neces-

sary even to take a roll call upon them. A protracted executive session followed the reporting of the amendments, and before its close Mr. Lodge endeavored to have an agreement made to vote on the treaty and the amendments next Thursday. He did not succeed in this, however, as several Senators were unwilling to bind themselves to a vote until they could fully consider the question as affected by to-day's developments. The matter was, therefore, left open, and the Senate will meet to-morrow, when another

executive session will be held. Both houses of Congress have already voted to adjourn from Friday, the 21st, until Jan. 3, and there is reason to believe that at to-morrow's session, or certainly on Monday. Senator Lodge will be able to have next Thursday agreed upon as the day for taking the final vote. The indications are that there will be no determined opposition to this, and that the whole question will be disposed of before the adjournment for

the holiday recess. There appears to be no doubt that the amendments reported by the Foreign Relais only one other pending amendment which is likely to cause discussion or which stands a chance of being adopted. This is the proposition of Senator Tillman to insert the Davis amendmeant at the end of section 7 of Article II., instead of at the end of section 5 of that article, so that the declaration in that amendment, that "none of the foregoing conditions which the United States may find it necessary to take for securing by its own forces the defences of the United States, and the maintenance of public order," shall apply to all the

There are a certain number of Senators who will continue the fight to reject the treaty. believed, was the cause of death. He is believing it to be so bad that no amendments can make it a good convention for the United States to adopt. The Senators who have advocated the ratification of the treaty as it came to the Senate think that the Alministration will cheerfully accept the situation This is probably true with regard to the President, but as far as Secretary Hay is concerned it is not acertain that he will be

reconciled. There have been many numers to-day concerning the effect on the Executive government of the Senite's action on the Davis amendement. one of the reports was that the President would withdraw the treaty to prevent further amendment, but this was authoritatively denied. It was reported also that the Government would refuse to submit the amended treaty to Great Britain if ratified by the Senate. The Government has already

determined its policy in that regard The ratified treaty, no matter how amended will be laid before the British Government, but the Administration will not press Great Britain to accept any radical changes. This negative course will have the effect of pigeenholing the convention. Whether the treaty with only the Davis amendment attached would be placed before Great Britain with a view to securing assent to the amendments has not been determined, but it appears to be certain that Secretary Hay will not consent to remain in the Cabinet if he is expected to reopen negotiations to bring about the concurrence of the British Government in any material change made by the

Mr. Hay had a long conference with the President this morning prior to the Cabinet meeting. The action of the Senate on the treaty was discussed, and while there is no actual authority for it, the belief is current in official circles that Mr. Hay had a frank talk with Mr. McKinley as to his status as affected by the adoption of the Davis amendment. Mr. Hay declined to-day to talk about his position other than to say that he had not resigned. It is understood, however, that the Secretary's position is that if his continuance in office is embarrassing to the

Administration be will gladly retire Mr. Hay does not want to be placed in the position of apparently severing his connection with the Administration in a fit of pique over the adoption of the Davis amendment, and it is therefore likely that he will remain in the Cabinet until the Senate has completed its consideration of the treaty A refusal to ratify the treaty as amended would not be construed by the Administration as a rejection of Mr. Hay's policy on account of the material changes made. What Mr Hay will do if the treaty is ratifled has not

been disclosed. No Senator and no official of the Adminis-

To Washington in Five Hours.

From New York, Royal Bluefive hour trains, leave from New York, Royal Bluefive hour trains, leave troyal Limited —no excess (are—at 3.44) a. M. Other fast solid trains at 8.00, 1930 A. M. 130, 500, 7.00 P. M. and 12115 hight. Leave Solid French in minute scaller. Best during and cafe carrier in the world—Ada.